

1 Honorable Marc Barreca
2 Hearing date: April 19, 2013; 9:30 a.m.
3 Hearing Place: Room 7106, 700 Stewart Street, Seattle, WA 98101
4 Responses due by: April 12, 2013; by 4:30 p.m.
5
6
7

8 IN THE UNITED STATES BANKRUPTCY COURT FOR THE
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 In re:) Chapter 7
11 DAVID H. HARDIN,) Bankruptcy No. 12-20414
12 Debtor(s).) NOTICE AND MOTION FOR SALE OF
13 _____) REAL PROPERTY OF THE ESTATE
14) FREE AND CLEAR OF LIENS AND
15) ENCUMBRANCES

16 **NOTICE**

17 TO: David Hardin, and his attorney of record, creditors, and parties of interest.

18 PLEASE TAKE NOTICE that the below joined motion will be heard on the 19th day of
19 April, 2013, at 9:30 a.m., at the United States Courthouse, 700 Stewart Street, Seattle, Washington,
20 in Room 7106, and the clerk is requested to note the motion on the motion docket for that day.

21 YOU ARE FURTHER NOTIFIED that responses or objections must be made in writing and
22 the original filed with the Bankruptcy Court at the United States Courthouse, Room 6301, 700
23 Stewart Street, Seattle, Washington 98101. Copies must be served upon the United States Trustee's
24 Office at the United States Courthouse, Room 5103, 700 Stewart Street, Seattle, Washington 98101,
25 the above-named Judge and the undersigned attorney on or before April 12, 2013. Failure to comply
with the local rule may be deemed by the court as opposition without merit. If responsive pleadings
are not filed as stated above, the hearing may be stricken and an order granting the relief requested
in the motion may be presented *ex parte*.

**NOTICE AND MOTION FOR SALE
OF REAL PROPERTY OF THE
ESTATE FREE AND CLEAR**
130321hNot Page 1

THE RIGBY LAW FIRM
600 Stewart Street, Suite 1908
Seattle, WA 98101
(206) 441-0826

1

MOTION

2 COMES NOW the trustee, Edmund J. Wood, through counsel The Rigby Law Firm, and
3 Rory C. Livesey, and moves this court for an order authorizing the trustee to sell property of the
4 estate. The property to be sold, the terms of the sale and the other details can be summarized as
5 follows:

6 Street address of
7 property to be sold: 838 S. 196th Street
Des Moines, WA 98148

8 Legal description of
property to be sold: Lt. 1, Bl. 2, Mayhill Park No. 2

9 Parcel No.: 524560-0070-06

10 Sale price: \$166,000.00, or such higher price as the parties agree
to in order to close the short sale

11 Terms of sale: Cash at Closing

12 Purchaser: Michael Maas and Gyongyi Bazso Maas, and/or assigns
13 Purchaser's address: 455 S.E. 156th Street, Apt. 221
Burien, WA 98148

14 Costs of sale: The estate will pay the real estate agent a commission
15 of 6% of the gross sales price or such lesser amount
16 as the agents shall agree to; and, the estate will pay
17 those costs of sale customarily paid by the Seller in
18 Western Washington. These costs would include, but
are not limited to, title insurance, real estate taxes due
through the date of sale and one-half of the escrow
costs.

19 Utility Liens In many cases the existence of a utility lien and/or the
20 amount of the lien is unknown until closing or
21 thereafter. These liens usually, but not always, are
22 equal to the utilities bills incurred over several
months. The trustee will pay these liens from the
23 sale proceeds.

24 Encumbrances & approximate
claim amounts: (1) J.P. Morgan Chase Bank deed of trust -
\$250,000; and
(2) J.P. Morgan Chase bank deed of trust -
\$75,000.

25

**NOTICE AND MOTION FOR SALE
OF REAL PROPERTY OF THE
ESTATE FREE AND CLEAR**
130321hNot Page 2

THE RIGBY LAW FIRM
600 Stewart Street, Suite 1908
Seattle, WA 98101
(206) 441-0826

Said sale will be free and clear of all liens and interests, said liens and interests to attach to the proceeds of the sale as though those proceeds were the property, said liens and interests to be satisfied from those proceeds. Notwithstanding the foregoing, the trustee requests the authority to pay the above named secured creditors, in the order of their liens to the extent funds are available.

This is a short sale. The sale is subject to the approval of J.P. Morgan Chase Bank (“Chase”). The trustee will negotiate the terms of the short sale with Chase; however, the terms of that sale are unknown at this time. The trustee will negotiate a buyer’s premium/carve out of \$15,000. Of that amount, at least one half shall be disbursed to pre-petition unsecured creditors. Should the buyer be unable to close the sale, or should the trustee receive an offer he believes is better for the estate, the trustee reserves the right to, rather than treating the funds to the estate as a buyer’s premium, negotiate a carve out with the secured creditor under Section 506(c) of the Bankruptcy Code.

13 The trustee believes and therefore alleges that the purchaser is a good faith purchaser for
14 value.

15 WHEREFORE, the trustee prays for an order accordingly.

16 DATED this 21st day of March, 2013.

THE RIGBY LAW FIRM

/S/ *Rory C. Livesey*

Rory C. Livesey, WSBA #17601
Of Attorneys for Trustee

**NOTICE AND MOTION FOR SALE
OF REAL PROPERTY OF THE
ESTATE FREE AND CLEAR**

THE RIGBY LAW FIRM
600 Stewart Street, Suite 1908
Seattle, WA 98101
(206) 441-0826